

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 18-4030 MJ

MARTIN CARMELO SOSA-GONZALEZ,

Defendant.

AMENDED ORDER

THIS MATTER is before the Court *sua sponte*. The Court has reviewed the Criminal Complaint, the Waiver of Preliminary Hearing and Order Tolling Speedy Trial Computation, the subsequent Motion to Continue Time Limit for Filing of Indictment or Information, and the Order granting that motion in part. Based upon this review, it appears that time limit set by 18 U.S.C. § 3161(b) has been exceeded. If so, the statute provides that the “complaint shall be dismissed or otherwise dropped.” 18 U.S.C. § 3162(a)(1). In the event of such a dismissal, the Court must determine whether the dismissal should be with or without prejudice. *Id.*

IT IS THEREFORE ORDERED that a hearing is hereby set for April 15, 2019 at 8:30 A.M.. At the hearing, the parties will be prepared to present argument regarding: (1) whether the Court has erred in its calculations with respect to the time limit, and (2) if not, whether the dismissal of the Complaint should be with or without prejudice.



STEPHAN M. VIDMAR
United States Magistrate Judge